IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS TYLER DIVISION

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COMMONWEALTH SCIENTIFIC AND INDUSTRIAL RESEARCH ORGANISATION,

Plaintiff,

V.

TOSHIBA AMERICA INFORMATION SYSTEMS, INC., et al.,

Defendants.

Case No. 6:06-CV-550 (LED)

Jury Trial Demanded

AGREED MOTION TO DISMISS WITH PREJUDICE

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and the terms of a separate Settlement, Release, and License Agreement, the parties Commonwealth Scientific and Industrial Research Organisation ("CSIRO") and Belkin International, Inc. ("Belkin") have agreed to settle, adjust, and compromise all claims and counterclaims against each other in the above-captioned action. The parties, therefore, move this Court to dismiss all claims by CSIRO against Belkin, and all claims by Belkin against CSIRO, made therein with prejudice to the refiling of same.

CSIRO and Belkin further move the Court to order that all costs and expenses relating to this litigation (including attorney and expert fees and expenses) shall be borne solely by the party incurring same.

Dated: October 12, 2009 By: /s/ Elizabeth L. DeRieux

Daniel J. Furniss (CA State Bar No. 73531)

djfurniss@townsend.com

Gary H. Ritchey (CA State Bar No. 136209)

ghritchey@townsend.com

Robert D. Tadlock (CA State Bar No. 238479)

rdtadlock@townsend.com

John E. Lord (CA State Bar No. 216111)

jelord@townsend.com

TOWNSEND AND TOWNSEND AND CREW LLP

379 Lytton Avenue Palo Alto, CA 94301

Tel.: (650) 326-2400/Fax: (650) 326-2422

S. Calvin Capshaw (State Bar No. 03783900)

ccapshaw@capshawlaw.com

Elizabeth L. DeRieux (State Bar No. 05770585)

ederieux@capshawlaw.com

CAPSHAW DERIEUX LLP

1127 Judson Road, Suite 220,

P.O. Box 3999

Longview, Texas 75601-5157

Tel.: (903) 236-9800/Fax: (903) 236-8787

Attorneys for COMMONWEALTH SCIENTIFIC AND INDUSTRIAL RESEARCH ORGANISATION

Dated: October 12, 2009 By: /s/ Kristopher Dawes, by permission ELD

Brian Berliner

David Enzminger

Nicholas J Whilt

Ryan K Yagura

O'Melveny & Myers

400 South Hope Street

Los Angeles, Ca 90071-2899

213/430-7503

Fax: 213/430-6407

Email: bberliner@omm.com

Email: denzminger@omm.com

Email: nwhilt@omm.com

Email: ryagura@omm.com

Kristopher Dawes O'Melveny & Myers LLP 610 Newport Center Drive 17th Floor Newport Beach , CA 92660 949/823-6921 Fax: 949/823-6994

Email: kdawes@OMM.com

Herbert A. Yarbrough, III Yarbrough & Wilcox P.L.L.C. 100 E Ferguson Suite 1015 Tyler, TX 75702 903/595-3111

Fax: 19035950191

Email: trey@yw-lawfirm.com

Counsel for BELKIN INTERNATIONAL, INC.

CERTIFICATE OF SERVICE

I hereby certify that counsel of record who are deemed to have consented to electronic service are being served this 12th day of October, 2009, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ Elizabeth L. DeRieux Elizabeth L. DeRieux